

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

DEVIN WHITTIER, Individually,

Plaintiff,

v.

SEATTLE TUNNEL PARTNERS, a joint  
venture; and HARRIS REBAR SEATTLE,  
INC., a Delaware corporation,

Defendants.

NO. 2:17-cv-00751-SAB

**SEVENTH AMENDED JURY  
TRIAL SCHEDULING ORDER**

**JURY TRIAL SCHEDULED FOR  
MAY 30, 2023**

Previously, the Court struck the trial date and pending pretrial deadlines and asked the parties to confer to determine a mutually-available trial date. The parties reported their available dates to the Court and the Court has determined that the new trial date is May 30, 2023.

Accordingly, **IT IS ORDERED:**

1. The Court's Sixth Amended Jury Trial Scheduling Order, ECF No. 164, is amended, as follows:

**TRIAL DATES**

**1. Jury Trial.** The jury trial set is set for **May 30, 2023**, at **9:00 a.m.** in **SEATTLE**, Washington. Counsel estimates a trial length of 10-14 days.

**2. Pretrial Conference.** An in person pretrial conference will be held on **May 9, 2023**, at **10:00 a.m.**, in **Seattle, Washington**.

**SEVENTH AMENDED JURY TRIAL SCHEDULING ORDER ~ 1**

## TRIAL PREPARATION DEADLINES

### 3. Exhibit and Witness Lists.

*A. Exhibit Lists and Witness Lists:* shall be filed and served and exhibits made available for inspection (or copies provided), on or before **April 18, 2023**.

*B. Identification:* The witness list shall include identification of each witness's testimony.

*C. Notation of Exhibits:* Where feasible, all exhibits identified in depositions shall be pre-marked with the exhibit numbers that will be used at trial. Plaintiff's trial exhibits are to be numbered 1 through 199; Defendant's exhibits are to be numbered 200 and following.

*D. Objections:* Objections to the opposing party's witness list or exhibit list and any accompanying briefs shall be filed and served on or before **April 25, 2023**.

*E. Responses:* Responses, if any, to objections shall be filed and served on or before **May 2, 2023**.

### 4. Pretrial Exhibit Stipulation.

*A. Stipulation:* The parties shall prepare a pretrial exhibit stipulation that shall contain each party's numbered list of all trial exhibits with the opposing party's objections to each exhibit, including the basis of the objection and the offering party's brief response. All exhibits to which there is no objection shall be deemed admitted, subject to any objections at trial that could not be raised in advance.

*B. Deadline:* The pretrial exhibit stipulation shall be filed on **May 2, 2023**.

*C.* Objections to witness and exhibits shall be heard at the pretrial conference.

### 5. Designation of Testimony.

*A.* Designation of Testimony shall be filed on or before **March 8, 2023**.

*B.* Cross-Designations shall be filed on or before **March 15, 2023**.

*C.* Objections to Designations shall be filed on or before **March 22, 2023**.

1 D. If objections are filed, the Court will then schedule a hearing to review  
 2 all designated testimony and objections so that a final edited version of the  
 3 deposition testimony can be prepared for trial.

#### 4 **6. Pretrial Order.**

5 A. *Deadline:* A joint Pretrial Order, prepared in accordance with the format  
 6 provided in Local Rule 16.1(b), shall be filed on or before **May 6, 2023** and a copy  
 7 e-mailed in Word format to the Court at [bastianorders@waed.uscourts.gov](mailto:bastianorders@waed.uscourts.gov).

8 B. *Consistency:* The list of exhibits contained in the joint Pretrial Order shall  
 9 reflect the exhibit marking scheme described above in paragraph 4(C).

10 C. *Duplicative Exhibits:* In preparing the joint Pretrial Order, the parties  
 11 shall confer regarding duplicate exhibits and determine which party will submit  
 12 such exhibits for trial.

13 **7. Trial Briefs and Proposed Voir Dire.** Trial briefs and voir dire shall be filed by  
 14 **May 4, 2023.**

15 **8. Jury Instructions.** No later than **May 4, 2023**, the parties shall file jointly  
 16 proposed jury instructions.

17 A. *Confer.* The parties shall confer regarding jury instructions and file  
 18 jointly proposed jury instructions and a table of proposed Jury Instructions. The  
 19 jointly proposed Jury Instructions should address only issues that are unique to this  
 20 case and shall include instructions regarding the elements of each claim, any  
 21 necessary definitions, and a proposed verdict form.

22 B. *Modifications.* If any proposed instruction is a modified version of model  
 23 instructions or deviate from model instructions, the parties shall identify the  
 24 modification and cite legal authority for the modification.

25 **9. Submissions on the First Day of Trial.** The Court requires that the following  
 26 be submitted to the courtroom deputy clerk on the first day of trial:

27 A. *Exhibits.* Exhibits for presentation at the trial in tabbed binders indexed  
 28 by exhibit number with exhibit tags placed consistently on the bottom right corner


1 of each exhibit. Counsel shall submit to the Court an original binder and two  
2 copied binders of their exhibits together with three discs or flash drives containing  
3 the same.

4 B. *Exhibit List*. One copy of a final joint exhibit list.

5 C. *Witness List*. One copy of witness lists in the order in which the witnesses  
6 are expected to be called to testify.

7 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter  
8 this Order and to provide copies to counsel.

9 **DATED** this 18th day of July 2022.

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14 Stanley A. Bastian  
15 U.S. District Judge  
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